



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Shigeta Jr. et. al.

Examiner: C. Nichols

Serial No: 10/083,853

Group Art Unit: 1647

Filing Date: February 26, 2002

Title: NUCLEIC ACID ENCODING
GROWTH FACTOR PROTEIN

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SUPPLEMENTAL RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are submitting a SUPPLEMENTAL RESPONSE TO NOTICE TO
COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES
mailed January 6, 2003. Applicants inadvertently submitted an incomplete response.

Transmitted herewith is a copy of the "Sequence Listing" (sheets 1/18 through sheets
18/18) in paper form for the above-identified patent application as required by 37 C.F.R.
1.821(c). A copy of the "Sequence Listing" in computer readable form as required by 37
C.F.R. 1.821(e) is enclosed herewith. As required by 37 C.F.R. 1.821(f), Applicant's
representative hereby states that the content of the "Sequence Listing" in paper form and the
computer readable form of the "Sequence Listing" are the same and, as required by 37 C.F.R.
1.821(g), also states that the submission includes no new matter.

Applicants' representative requests that the specification be amended to include the
paper copy of the sequence listing.

Additionally, Applicant's enclose a copy of the response previously filed on January 24, 2003.

No fees are believed to be due with the submission of this response. However, if a fee is required, the Commissioner is authorized to deduct such fee from Deposit Account No. 01-0431. This Transmittal Letter is submitted in duplicate for accounting purposes.

Dated: 1/30/03

Respectfully submitted,



Thomas Malone
Reg. No. 40,078

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Santa Clara, CA 95051
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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES	Application No.	Applicant(s)
	10/083,853	SHIGETA ET AL.
	Examiner	Art Unit
	Christopher Nichols, Ph.D.	1647

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: See attached form.

Applicant Must Provide:

- A substitute computer readable form (CRF) copy of the "Sequence Listing".
- A substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance..... 703-287-0200

To Purchase PatentIn Software..... 703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

December 18th, 2002
CJN



SERIAL NO.: 10/083,853 DATE FILED: 2/26/02 DOCKET NO: 3385-1
TITLE: Nucleic Acid Encoding Growth Factor Protein

APPLICANT: Shigeta et al DATE MAILED/HAND DELIVERED:

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL NO. _____

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| <input type="checkbox"/> pp.Spec. | <input type="checkbox"/> pp. Claims | <input type="checkbox"/> pp. Abstract | <input type="checkbox"/> Amendment / Response pp. _____ | | |
| <input checked="" type="checkbox"/> Transmittal Letter | <input type="checkbox"/> copies | <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Req. for Extension of Time _____ | | |
| <input type="checkbox"/> Response Missing Parts pp. _____ | | | <input type="checkbox"/> Sequence Listing pp. _____ | | |
| <input type="checkbox"/> Declaration Signed Unsigned | | | <input type="checkbox"/> Petition _____ | | |
| <input type="checkbox"/> Assignment (w/cover letter) pages | | | <input type="checkbox"/> Issue Fee Transmittal Form | | |
| <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Appointment of Agent | | | <input type="checkbox"/> Declaration / Affidavit _____ | | |
| <input type="checkbox"/> Informal Drawings sheets | | | <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Brief (plus 2 copies) | | |
| <input type="checkbox"/> Formal Drawings sheets | | | <input type="checkbox"/> Req. for Corrected Filing Receipt | | |
| <input type="checkbox"/> Information Disclosure Statement pages | | | | | |
| <input type="checkbox"/> Modified Form 1449 pp. <input type="checkbox"/> Refs. | | | | | |

*Preliminary Amendment; Amended Figs. of Sequence Listing
in Red Ink; Submission of Formal Drawings Substitute
Figs. of Sequence Listing; Copy of Notice to Comply*



Please type a plus sign (+) inside this box →

PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/083,853
Filing Date	February 26, 2003
First Named Inventor	Shigeta Jr.
Group Art Unit	1647
Examiner Name	C. Nichols
Total Number of Pages in This Submission	59
Attorney Docket Number	3385.1

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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy of Previously Filed Response(1/24/2003); Return Postcard Also see Remarks Section
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		Supplemental Response to Notice to Comply with Sequence Listings (2 pages)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas Malone, Reg. No. 40,078
Signature	
Date	1/30/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	ALOK GOEL
Signature	
Date	1/30/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.